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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,812	03/26/2004	Gary S. Ambrosino	Cognio112US	2811

27896 7590 04/27/2007  
EDELL, SHAPIRO & FINNAN, LLC  
1901 RESEARCH BOULEVARD  
SUITE 400  
ROCKVILLE, MD 20850

EXAMINER
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TORRES, MARCOS L

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/708,812	<b>Applicant(s)</b> AMBROSINO, GARY S.	
	<b>Examiner</b> Marcos L. Torres	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 7,9-14,16,27 and 41-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7,9-14,16,27 and 41-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see page 9, filed 2-26-2007, with respect to 112 rejection have been fully considered and are persuasive. The 112 rejection of claim 41 has been withdrawn.
2. Applicant's arguments filed 2-26-2007 have been fully considered but they are not persuasive. Regarding applicant representative argument that Fomukong fails to teach that the wireless device user supplies information to identify the party who is to receive the location information, Fomukong discloses the above limitation in col. 5, lines 46-50. Please see below for more information.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 5-7, 9-14, 16, 27-28, 30-37, 41-42, 45-46 and 50-51 rejected under 35 U.S.C. 103(a) as being unpatentable over Sharony US007019663B2 in view of Fomukong US006560461B1.

As to claim 16, Sharony discloses a method for determining the physical location of a device that has both wireless wide area network (WAN) communication capability and wireless local area network (LAN) communication capability (see col. 1, lines 43-50), the method comprising steps of: receiving a signal at the device from wireless WAN equipment that causes the device to initiate a wireless LAN location process (see fig. 2b, item 305); and executing the wireless LAN location process to determine the physical location of the device (see fig. 2b, item 306-314), and sending location information of the device to a party (see fig. 2b, item 314). Sharony does not specifically disclose receiving from a user of the device information including an identifier of a party that the user designates to receive location information for the device generated by the wireless LAN location process or sending the information in the form of a paging message. In an analogous art, Fomukong discloses receiving from a user of the device information including an identifier of a party that the user designates to receive location information for the device generated by the wireless LAN location process (see col. 46-50); and sending the location information in the form of paging message (see col. 3, lines 18-56; col. 5, lines 42-45). Therefore it would have been obvious to one of the ordinary skill in the art at the time of the invention to verify the data for the simple purpose of disclose only authorized information.

As to claim 7, Sharony discloses a method wherein the step of executing the wireless LAN location process comprises executing a process that computes the location of the device based on one or more of: time of arrival data, time difference of arrival data, and received signal strength data, derived from a signal transmitted by the device (see col. 3, lines 29-60).

As to claim 9, Sharony discloses a method further comprising, at a computing device coupled to the wireless LAN, generating at least one signal to be transmitted by a wireless LAN device to the device and one or more other wireless LAN devices in order to set-up the wireless LAN location process (see col. 3, lines 7-18).

As to claim 10, Sharony discloses a method of claim further comprising, at the computing device, processing data derived from one or more signals transmitted by the device to be located to determine the physical location of the device (see col. 3, lines 19-28; col. 2, lines 35-37).

As to claim 12, Fomukong discloses the method further comprising the step of receiving at the wireless WAN equipment an emergency call from the device (see col. 4, lines 62-64). Sharony discloses transmitting the signal to the device that causes the device to initiate the wireless LAN location process (see fig. 2b, item 303).

As to claim 13 the method further comprising sending information describing the physical location of the device to an emergency responder facility is a requirement set by the FCC. Therefore, it is not an inventive step.

As to claim 14, Sharony discloses a method further comprising the step of downloading to the device a software application that the device uses to initiate the

wireless LAN location process in response to receiving the signal from the wireless WAN equipment (see col. 2, lines 47-50).

As to claim 27, Sharony discloses a method for determining the physical location of a device that has both wireless wide area network (WAN) communication capability and wireless local area network (LAN) communication capability (see col. 1, lines 43-50), the method comprising: a. transmitting a wireless signal from the device, wherein the wireless signal includes information that indicates a location procedure is to be performed with respect to the device (see col. 2, lines 61-67); and executing a wireless LAN location process to determine the physical location of the device (see fig. 2b, item 306-314). Sharony does not specifically disclose responsive to a user initiated location command at the device. Fomukong discloses responsive to a user initiated location command at the device (see col. 46-50).

As to claim 28, Sharony discloses a method wherein the step of transmitting comprises transmitting a wireless LAN signal (see col. 3, line 2 – col. 4, line 3).

As to claim 30, Sharony discloses a method further comprising the step of receiving the wireless signal from the device, at a computing device, and in response generating a signal for transmission to the wireless device to set-up the wireless LAN location procedure (see fig. 2a 2b, item 300,303).

As to claim 31, Sharony discloses a method of claim 30, wherein the step of executing comprises computing the location of the device based on data derived from at least one signal transmitted by the device and received at one or more other wireless LAN devices (see fig. 2a 2b, item 314).

As to claim 32, Sharony discloses the method wherein the step of transmitting comprises transmitting a wireless WAN signal (see fig. 2a 2b, item 303).

As to claim 35, Sharony discloses the method further comprising the step of receiving the signal at wireless WAN equipment, and in response thereto, transmitting a signal to the device that causes the device to initiate the wireless LAN location (see fig. 2a 2b; item 300, 303).

As to claim 33, Fomukong discloses the method wherein the step of placing the call comprises placing an emergency call (see col. 4, lines 62-64). Sharony discloses transmitting a wireless WAN signal (see fig. 2a 2b, item 303).

As to claim 34, Fomukong discloses the method wherein transmitting comprises transmitting a message that includes an identifier of a party or destination to receive location information for the device (see col. 2, lines 1-13; col. 5, lines 46-50).

As to claim 11, Sharony and Fomukong discloses everything as disclosed above except for the method further comprising the step of terminating a wireless LAN connection at the device after completion of the wireless LAN location process. However OFFICIAL NOTICE IS TAKEN THAT the method of terminating a connection after being used is common and well-known technique used to prevent wasting the bandwidth. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to terminate the connection for the simple purpose of saving bandwidth.

As to claim 42, Fomukong discloses the method wherein transmitting comprises the wireless signal that places the emergency call (see col. 4, lines 62-64) and that

further identifies a party or destination to which location information for the device is to be sent to a destination ID which may be a computer address (see col. 5, lines 46-50). Sharony discloses transmitting a wireless WAN signal (see fig. 2a 2b, item 303). Fomukong disclose that the destination ID, but does not specify if the destination ID is an email address or phone number. However, one of the ordinary skills in the art would recognize that an email address would perform the same function of directing the information to the desired target and could choose this design choice for the simple purpose of using a common and well-known address type. Also is a common and well-known technique to use phone number as paging number.

As to claims 36-37 and 45-46, they are the corresponding device claims of method claims 16,9 and 42. Therefore, claims 36-37 and 45-46 are rejected for the same reasons.

Regarding claims 41 and 50-51 are rejected for the same reasons of claims 16, 42 and 46 shown above.

6. Claims 29, 43-44, 47-49 and 52-54 rejected under 35 U.S.C. 103(a) as being unpatentable over Sharony in view of Fomukong as applied to claim 27, 36 and 41 above, and further in view of Cleghorn US00692772B2

As to claim 43, Fomukong discloses the method wherein transmitting comprises the wireless signal that places the emergency call (see col. 4, lines 62-64). Fomukong and Sharony do not specifically disclose an indication of an emergency condition, and detecting an emergency condition of the VOIP call at a gateway, server or router connected to the wireless LAN that route VOIP calls over the Internet. In an analogous



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art, Cleghorn discloses an indication of an emergency condition, and detecting an emergency condition of the VOIP call at a gateway, server or router (see fig. 1, item 110) connected to the wireless LAN that route VOIP calls over the Internet (see col. 3, lines 25-53; col. 4, lines 13-42). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings in order to be compatible with VOIP systems.

As to claim 29, Cleghorn disclose the method wherein the step of transmitting comprises placing a voice-over-IP call (see col. 1, lines 51-65).

As to claim 44, Cleghorn disclose in response to detecting the emergency condition of the VOIP call at the gateway, server or router, sending a message indicating location and other procedures (col. 4, lines 13-42). Fomukong discloses the method of sending a message to the device to initiate execution of said WLAN location procedure (see col. 4, lines 46-64).

As to claim 49, Fomukong discloses the wireless communication device wherein the processor generates for transmission the wireless signal that places a call and further includes an identifier of a party or destination to receive location information for the wireless communication device (see col. 5, lines 46-53). Cleghorn disclose the method wherein the step of transmitting comprises placing a voice-over-IP call (see col. 1, lines 51-65).

As to claims 47-48, they are the corresponding device claims of method claims 43 and 29. Therefore, claims 47-48 are rejected for the same reasons.

As to claims 52-54, they are rejected for the same reasons of claims 43, 29 and 49.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Hand delivered responses should be brought to:

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcos L Torres  
Examiner  
Art Unit 2617



mit



GEORGE ENG  
SUPERVISORY PATENT EXAMINER